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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,259	12/15/2003	Yasuhiko Nagaoka	0879-0435P	1479

2292 7590 07/27/2009

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EXAMINER	
STREGE, JOHN B	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
07/27/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/734,259	NAGAOKA ET AL.	
	Examiner	Art Unit	
	JOHN B. STREGE	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-13 and 15-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-7,9-13,15-18,20-31* is/are rejected.

7)☒ Claim(s) *8 and 19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/20/09 has been entered.

Response to Amendment

The amendment received 04/24/09 has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Haas et al. US 2004/0141658 (hereinafter “Haas”).

Regarding claim 27, Haas discloses a computer-based method for organizing digital photos, comprising:

extracting objects of interest from a plurality of digital photos (see 130 of figure 3, paragraph 0027);

applying an object recognition algorithm to determine similarity of the objects with a reference model (paragraph 0032, the second image is read as a reference model);

displaying the reference model and a plurality of objects based on the determined similarity (see figure 1, paragraphs 16-17); and receiving user input to associate the displayed objects with a particular classification (paragraph 35, the user classifies the objects as to be saved or to be deleted).

Regarding claim 28, the displayed objects are displayed as a series (see figure 1).

Regarding claim 29, as seen in figure 3 the photos are cropped.

Regarding claims 30-31, labels are assigned to the images (paragraph 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

.Claims 1-2,4-7, 9-10, 12-13, 15-18, 20-21, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (US 2004/0264780) in view of Bhetanabhotla (US-PGPUB 2002/0167538) and further in view of Haas.

(1) Regarding claims 1 and 12:

Zhang et al. disclose a computer-based method and system for organizing digital photos (paragraph [0004], line 1-2), comprising: extracting face from a plurality of digital photos (206 in Fig. 2, paragraph [0042], line 6-7, and paragraph [0043], line 1-9) cropping said plurality of digital photos to generate images of unknown isolated faces wherein the images of the unknown isolated faces have not been associated with a particular person folder (804 and 806 in Fig. 8, Fig. 9, paragraph [0083], line 1-2), (806 is unknown face, note that if the image is of an unknown face then it is inherent that the face has not been associated with a particular person folder) applying a face algorithm to determine the similarity of unknown isolated faces with a reference model (216 in Fig. 2, paragraph [0020], line 8-10); receiving user input (paragraph [0076], line 1-2) to associate faces with a particular classification (annotating of individual faces as multi-class classification) (paragraph [0076], line 11-13).

However, Zhang et al. do not teach explicitly wherein the classification is generated from a category list including a plurality of folders each containing a sub-folder for an individual member belonging to the particular classification.

Bhetanabhotla, in analogous environment, teaches a system of organizing information, wherein the classification is generated from a category list (paragraph [0127], lines 1-4) including a plurality of folders (categories) each containing a sub-

folder (sub-categories) for an individual member belonging to the particular classification (paragraphs [0124], [0125], [0127]).

It is desirable to have digital photo albums that can be viewed chronologically, or people-wise or location-wise or according to several subjects. The Bhetanabhotla's approach, where the classification is generated from a category list including categories and sub-categories is to achieve this goal. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to apply the Bhetanabhotla teaching, where the classification is generated from a category list including categories and sub-categories, with the Zhang et al. system, because such combination makes digital photo albums that can be viewed chronologically, or people-wise or location-wise or according to several subjects (paragraph [0043], lines 1-3).

Bhetanabhotla nor Zhang do not explicitly disclose displaying the images of unknown isolated faces sorted by the determined similarity. Haas discloses that there is a problem with taking multiple images in that it becomes cumbersome to keep track of them all , and that sorting the images can become time consuming. To overcome this Haas discloses a method of quickly sorting the images based upon their similarity and displaying the images for a user (see figure 1, paragraphs 16-17).

Zhang, Bhetanabhotla, and Haas are analogous art because they are from the same field of endeavor of dealing with input images. At the time of the invention it would have been obvious to one of ordinary skill in the art to sort the face images based on their similarity so that it would become less cumbersome in order to annotate the images as taught by Haas. Thus it would have been obvious to one of ordinary skill in

the art to combine Zhang, Bhetanabhotla, and Haas to obtain the invention of claims 1 and 12.

Regarding claims 2 and 13:

Haas discloses applying a recognition algorithm and displaying are repeated as more objects are grouped belonging to a certain group (paragraph 16 and 17).

Regarding claims 4 and 15:

Zhang et al. further disclose the method and system (paragraph [0004], line 1-2), where isolated faces are displayed in a view that includes an area surrounding the face (Fig. 3 and 4, paragraph [0043], line 3-4).

Regarding claims 5 and 16:

Zhang et al. further disclose the method and system (paragraph [0004], line 1-2) comprising annotating image faces based on said classification (paragraph [0042], line 1-3; and paragraph [0076], line 11-13).

Regarding claims 6 and 17:

The combination Zhang et al. and Bhetanabhotla teach the parental claims 1 and 12. Furthermore, Bhetanabhotla teaches the system of claims 1 and 12, further comprising controlling a photo presentation based on the classification (Bhetanabhotla: paragraph [0019], lines 1-2).

Regarding claims 7 and 18:

The combination Zhang et al. and Bhetanabhotla teach the parental claims 1 and Furthermore, Bhetanabhotla teaches the displaying of the family album (Bhetanabhotla: paragraph [0054], lines 4-6), where the photo frame contains label

(Bhetanabhotla: paragraph [0129], lines

11-12) based on the classification

(Bhetanabhotla: paragraph [0019], lines 1-2).

Regarding claims 9 and 20:

The combination Zhang et al. and Bhetanabhotla teach the parental claims 1 and 12. Furthermore, Bhetanabhotla teaches the method of claim 6, wherein the photo

presentation is a slide presentation (paragraph [0155], lines 6-8).

Regarding claims 10 and 21:

Zhang et al. further disclose the method and system (paragraph [0004], line 1-2), where the step of displaying a plurality of faces (paragraph [0036], line 3-4) displays the faces in order of similarity to the reference model (paragraph [0076], line 6-8), (the labeled faces is read as reference mode).

Regarding claims 23 and 25:

Zhang et al. disclose a computer-based method and apparatus (paragraph

[0027], lines 3-4) for organizing digital photos (paragraph [0004], line 1-2), comprising:

extracting objects of interest (face) from a plurality of digital photos (206 in Fig. 2, paragraph [0042], line 6-7, and paragraph [0043], line 1-9);

cropping said plurality of digital photos to generate images of isolated objects of interest (faces) (804 and 806 in Fig. 8, Fig. 9, paragraph [0083], line 1-2);

applying an object recognition algorithm to determine the similarity of isolated objects of interest (faces) which are generated from the plurality of digital photos (family photographs) (paragraph [0082], lines 5-6) with a reference model (216 in Fig. 2, paragraph [0020], line 8-10);

associating the objects of interest (faces) with a particular classification (annotating of individual faces as multi-class classification) (paragraph [0076], line 11-13).

However, Zhang et al. do not teach explicitly the selecting of model folder which contains at least one image of object of interest.

Bhetanabhotla, in analogous environment, teaches a system of organizing information, wherein selecting model folder (category or file) (paragraph [0125], lines 3-8) and paragraph [0127], lines 4-5) which contains at least one image of object of interest (graphical images) (Abstract, lines 20-23).

It is desirable to have digital photo albums that can be viewed chronologically, or people-wise or location-wise or according to several subjects. The Bhetanabhotla's approach, where selecting category or file which contains at least one image of family member is to achieve this goal. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to apply the Bhetanabhotla teaching, where selecting category or file which contains at least one image of family member, with the Zhang et al. system, because such combination makes digital photo albums that can be viewed chronologically, or people-wise or location-wise or according to several subjects (paragraph [0043], lines 1-3).

Bhetanabhotla nor Zhang do not explicitly disclose displaying the images of unknown isolated faces sorted by the determined similarity. Haas discloses that there is a problem with taking multiple images in that it becomes cumbersome to keep track of them all , and that sorting the images can become time consuming. To overcome this Haas discloses a method of quickly sorting the images based upon their similarity and displaying the images for a user (see figure 1, paragraphs 16-17).

Zhang, Bhetanabhotla, and Haas are analogous art because they are from the same field of endeavor of dealing with input images. At the time of the invention it would have been obvious to one of ordinary skill in the art to sort the face images based on their similarity so that it would become less cumbersome in order to annotate the images as taught by Haas.

Regarding claims 24 and 26:

The combination Zhang et al. and Bhetanabhotla teach the parental claim 23. Furthermore, Zhang et al. teach the displaying of the images of isolated objects of interest (faces) arranged as a function of the determined similarity with the reference model (Zhang: 191 in Fig. 1, paragraph [0036], line 1-5), (the function of the determined similarity is read as the candidate name list which is stored according to the similarity measure). Furthermore, Bhetanabhotla teaches selecting of model folder (paragraph [0125], lines 3-4).

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. and Bhetanabhotla, and Haas as applied to claims 1 and 12 above, and further in view of Neff et al. (US 6,751,780).

The combination Zhang et al. and Bhetanabhotla teach the parental claims 1 and 12. However, the combination Zhang et al. and Bhetanabhotla do not teach wherein user input drags an image of an object of interest into a display area associated with the classification.

Neff et al., in analogous environment, teaches a user interface for initiating the export of an optimized scanned document using drag drop, where the user input drags an image of an object of interest into a display area (See the Abstract), (the display area is read as scanner window) associated with the classification (column 5, line 48-51).

It is desirable to click on a selected region in a preview scan of a document and drag it to an open application or a desktop to launch an optimized final scan of the selected region. The Neff et al. approach, where the user input drags an image of an object of interest into a display area is to achieve this goal. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to apply the Neff et al. teaching, where the user input drags an image of an object of interest into a display area, with the combination Zhang et al. and Bhetanabhotla, because such feature makes a click on a selected region in a preview scan of a document and drag it to an open application or a desktop to launch an optimized final scan of the selected region (column 1, line 56-59).

Allowable Subject Matter

Claims 8 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN B. STREGE whose telephone number is (571)272-7457. The examiner can normally be reached on Monday-Friday between the hours of 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Strege/
Primary Examiner
07/16/09